

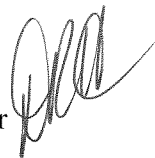


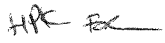
# City of Loma Linda Official Report

Floyd Petersen, Mayor  
Stan Brauer, Mayor pro tempore  
Robert Christman, Councilmember  
Robert Ziprick, Councilmember  
Charles Umeda, Councilmember

COUNCIL AGENDA: December 13, 2005

TO: City Council

VIA: Dennis R. Halloway, City Manager 

FROM: Deborah Woldruff, AICP, Community Development Director 

SUBJECT: DEVELOPMENT CODE AMENDMENT (DCA) NOS. 05-01  
(PAROLEE HOMES)

## **RECOMMENDATION**

It is recommended that the City Council

- 1) Waive reading of the proposed ordinance in its entirety;
- 2) Direct the Clerk to read by title only;
- 3) Adopt on roll call vote

## **BACKGROUND**

On November 15, 2005, the City Council adopted the Ordinances for Development Code Amendment No. 05-01 (Parolee Homes). The Council scheduled the second reading for the meeting on December 13, 2005.

*I:\Project Files\DCA\DCA 05-01 (Parolee Homes)\CCSR 12-13-05 2nd.doc*

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOMA LINDA  
ADDING CHAPTER 17.31 TO TITLE 17 OF THE LOMA LINDA MUNICIPAL  
CODE REQUIRING THE APPROVAL OF A CONDITIONAL USE PERMIT AND  
ESTABLISHING STANDARDS AND DEFINITIONS FOR PAROLEE HOMES IN  
ALL RESIDENTIAL ZONES

THE CITY COUNCIL OF THE CITY OF LOMA LINDA DOES HEREBY ORDAIN AS  
FOLLOWS:

WHEREAS, the Land Use Element of the Loma Linda General Plan requires the City to encourage a harmonious mix of residential, commercial and industrial land uses which will generate sufficient tax revenues to pay the costs of maintaining the desired levels of services and adequate infrastructure facilities, and it also states that the City will “Require that the design and siting of new residential development meet locational and development standards that ensure compatibility with adjacent land uses and community character”, and

WHEREAS, the proposed amendment to the Land Use Development Code is consistent with the goals and policies of the City of Loma Linda General Plan, and

WHEREAS, the City has a responsibility to assure adherence to the General Plan in meeting the needs and desires of its residents and the community in general, and

WHEREAS, the Planning Commission of the City has considered these proposed amendments at a duly noticed public hearing on November 9, 2005, and recommended that the City Council adopt the proposed amendments, and

WHEREAS, the Department of Community Development of the City has evaluated the potential environmental impacts that could result from the adoption of an ordinance establishing standards and review procedures for parolee homes in the City, and has found that the proposed zoning regulations are categorically exempt from the California Environmental Quality Act (CEQA) and CEQA Guidelines, and

WHEREAS, the City Council has reviewed and considered the information in the Agenda Report, as well as public testimony presented at the hearing.

THE CITY COUNCIL OF THE CITY OF LOMA LINDA DOES ORDAIN AS FOLLOWS:

**Section 1. Findings, Purpose and Intent.**

A. This Ordinance is adopted by the City Council pursuant to the City’s police powers to protect the health, safety, and welfare of the public.

B. The Land Use Development Code provides for the orderly use and development of all property in the City. However, the Code, as adopted, does not provide procedures or standards for the review of overall compatibility of land uses for residential dwelling units that are being operated as “parolee homes.” For the reasons set forth below, and to create locational and development standards that ensure greater compatibility with surrounding land uses and community character, the City Council finds that it is desirable to review and consider the adoption of design standards and review procedures as part of the City’s development code.

C. Parolee homes pose a threat to the health, safety and welfare of the public because they generate a disproportionate number of calls for police services, thus reducing the general availability of police officers to other areas of the community, and unduly pose a burden on police services.

D. The City Council has received reports from the Police Department that document the occurrence of problems associated with parolee homes that require a substantial level of proactive monitoring to adequately protect the safety and welfare of the residents that reside in the community.

E. The City Council finds that the overall use and development of land should be designed for the protection of the public health, safety and welfare; that it is important to ensure that the establishment of parolee homes conforms to a plan of logical and orderly development of the land, and that present and future parolee homes be compatible with surrounding land uses; and that incompatible land uses would be aesthetically displeasing, economically detrimental, and harmful to the public health, safety and welfare.

**Section 2.** Chapter 17.31 is added to Title 17 of the Loma Linda Municipal Code, to read as follows:

#### **Chapter 17.31**

#### **PAROLEE HOMES**

**Sections:**

<b>17.31.010</b>	<b>Purpose</b>
<b>17.31.020</b>	<b>Definitions</b>
<b>17.31.030</b>	<b>Conditional Use Permit Requirements</b>
<b>17.31.040</b>	<b>Location Requirements</b>
<b>17.31.050</b>	<b>Conditions</b>
<b>17.31.060</b>	<b>Revocation</b>

**17.31.10 Purpose.**

The purpose of this chapter is to give the city the opportunity to review and monitor the public service needs to provide the best possible service to the residences within the city limits with some establishments of parolee homes in all residential zones.

**17.31.020 Definitions**

*Parolee, Federal* means an individual convicted of a federal crime, sentenced to a United States federal prison, and who has received conditional and revocable release in the community under the supervision of a Federal parole officer.

*Parolee, State Adult* means an individual who is serving a period of supervised community custody, as defined in Penal Code Section 3000, following a term of imprisonment in a state prison, and is under the jurisdiction of the California department or Correction, Parole and Community Services Division.

*Parolee, Youth Authority* means an adult or juvenile individual sentenced to a term in the California Youth Authority, and who has received conditional and revocable release in the community under the supervision of a Youth Authority parole officer.

*Parolee Home* means any residential structure or unit, whether owned and/or operated by an individual or for-profit or non-profit entity, which houses between two (2) to six (6) parolees, unrelated by blood, marriage, or legal adoption, in exchange for monetary or non-monetary consideration given and/or paid by the parolee and/or any individual or public/private entity on behalf of the parolee.

**17.31.030 Conditional Use Permit Requirements**

A Conditional Use Permit shall be required for the new establishment of any type of land use that proposes to house between two (2) to six (6) parolees. In addition, a new Conditional Use Permit shall be required for the following:

1. Existing parolee homes, unless lawfully established prior to the effective date of the ordinance.
2. Any changes in the operating conditions from what was originally approved by the city, including, but not limited to, number of parolees.
3. Any changes in the operating conditions of existing parolee homes lawfully established prior to the effective date of the ordinance.
4. Sale, transfer, or new lease agreement of a parolee home to another individual, entity, etc.
5. An existing parolee home discontinued for a consecutive period of thirty (30) days is deemed abandoned and shall be required to obtain a new conditional use permit.

**17.31.40 Location Requirements**

1. In evaluating requests for parolee homes, particular attention will be directed to the physical relationship and proximity of the proposed use to similar uses on the same or surrounding sites, the compatibility of the proposed use with neighboring uses (i.e., schools, parks, and other similar uses), and ensuring that no adverse effects on the public health, safety, or general welfare will be created by the proposed use.
2. When a conditional use permit for a parolee home is requested, other than for a renewal or ownership transfer, it should be a minimum of 660 feet away from an existing or proposed school, park, religious institution, hospital, youth facility, or other similar uses.
3. When a conditional use permit for a parolee home is requested, other than for a renewal or ownership transfer, it should be a minimum of 1,320 feet away from an existing parolee home or other similar uses.
- 4.

**17.31.050 Operational Requirements**

In addition to any other conditions imposed by the Planning Commission pursuant to Chapter 17.30.210 of this Code to safeguard the public health, safety, and general welfare, a conditional use permit for a parolee home shall meet the following conditions:

1. Each parolee home or "parolee home" unit is limited to a maximum number of six (6) parolees with each bedroom not exceeding two (2) parolees.
2. Multi-family residential projects with less than twenty-five (25) units shall be limited to one (1) "parolee home" unit.

3. Multi-family residential projects with twenty-five (25) or more units shall be limited to two (2) "parolee home" units.
4. City staff shall prepare an annual status report on the parolee home for the Planning Commission's review and consideration.
5. The property owner or a designated on-site manager must live on the site of the parolee home.
6. The police department shall be provided a weekly update of the names of all parolees currently living at the parolee home.
7. Each Parolee home or "parolee unit" shall obtain and maintain any and all required state or federal permits, with notice thereof to the City, and shall comply with all state and federal laws and regulations.

#### **17.31.060 Revocation**

Pursuant to Chapter 17.30.460 of this Code, the planning commission may revoke a conditional use permit. The revocation hearing must be noticed and a public hearing as required in Chapter 17.30.415 of this Code and the planning commission must make the necessary findings to revoke the conditional use permit as set forth in Chapter 17.30.460 of this Code.

**Section 2. Penalties.** If any person shall violate any of the provisions of this Ordinance, or fail to comply with any of the mandatory requirements of this Ordinance, he shall be guilty of an infraction. Any person convicted of an infraction under the provisions of a City Ordinance shall be punishable by (1) a fine of not more than one hundred dollars (\$100.00) for a first violation; (2) a fine not exceeding two hundred dollars (\$200.00) for a second violation of the same Ordinance within one year and (3) a fine not exceeding five hundred dollars (\$500.00) for each additional violation of the same Ordinance within one year. Each such person shall be deemed guilty of a separate offense for every day during such portion of which any violation of this Ordinance is committed, continued or permitted by such person, and shall be punishable therefore as provided by this Ordinance.

**Section 3. Validity.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such holding or holdings shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

**Section 4. Posting.** Prior to the expiration of fifteen (15) days from its passage, the City Clerk shall cause this Ordinance to be posted pursuant to law in three (3) public places designated for such purpose by the City Council.

#### **Section 5. Severability.**

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance or any part thereof is for any reason held to be unlawful, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase be declared unlawful.

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This Ordinance was introduced at the regular meeting of the City Council of the City of Loma Linda, California, held on the \_\_\_\_ day of \_\_\_\_\_ and was adopted on the \_\_\_\_ day of \_\_\_\_\_ by the following vote to wit:

Ayes: \_\_\_\_\_

Noes: \_\_\_\_\_

Abstain: \_\_\_\_\_

Absent: \_\_\_\_\_

\_\_\_\_\_  
Floyd Petersen, Mayor

Attest:

\_\_\_\_\_  
Pamela Byrnes-O'Camb, City Clerk